

**EL DORADO COUNTY DEVELOPMENT SERVICES
PLANNING COMMISSION STAFF REPORT**



Agenda of: September 11, 2008
Item No.: 8.a
Staff: Michael C. Baron

SPECIAL USE PERMIT

FILE NUMBER: S08-0008

APPLICANT: The Grace Foundation of Northern California

AGENT: Beth DiCaprio

REQUEST: Special Use Permit to allow the following:

1. Continued use of a portion of the property (40acres) as a non-profit organization created to serve abused and neglected horses and livestock as well as provide riding instruction and therapy programs for children, including those with special needs.
2. Educational programs for larger groups of school aged children for specialized training up to six times per month.
3. Up to two fundraising events per calendar year on the property to support the Grace Foundation.

LOCATION: On the east side of Latrobe Road, at the intersection with Ryan Ranch Road in the El Dorado Hills area, Supervisorial District II (Exhibit A).

APN: 118-110-03

ACREAGE: 387 acres

GENERAL PLAN: Rural Residential (RR) (Exhibit B)

ZONING: Residential Agricultural 40-Acre (RA-40) (Exhibit C)

ENVIRONMENTAL DOCUMENT: Categorically Exempt Pursuant to California Environmental Quality Act Section 15301

SUMMARY RECOMMENDATION: Conditional Approval

BACKGROUND: The applicant submitted the proposed Special Use Permit, S08-0008, on April 8, 2008, the application was deemed complete on April 21, 2008. After the application was deemed complete it was brought to staff's attention that the Special Use Permit Request required clarification. Planning Staff worked with the applicant to develop a clear project description and County staff from Environmental Management, Department of Transportation, and Planning Services conducted a Technical Advisory Committee Meeting for project review on June 9, 2008, at which time comments and possible conditions from each department were presented and discussed with the applicant.

STAFF ANALYSIS

Project Description: The Grace Foundation of Northern California requests a Special Use Permit to allow the continued use of a portion of Assessors Parcel Number 118-110-03 (40 acres of 387 acres) as a non-profit organization created to serve up to 200 abused and neglected horses and livestock, through care and adoption services, as well as provide instruction and therapy programs for children, including those with special needs.

Daily operations would allow groups of up to 12 children onsite for day camps, riding lessons and therapeutic programs. Up to 20 volunteers would be present for the feeding and care of the animals and ranch property on a daily basis.

The Special Use Permit also includes a request to allow educational programs for larger groups of school aged children for specialized training up to six times per month. These training sessions would consist of up to two school buses or a maximum occupancy of up to 80 children during the hours of 8 AM to 5 PM Monday through Friday. Further, the Special Use Permit would allow up to two fundraising events per calendar year on the property to support the Grace Foundation.

Site Description: The project site is characterized by moderately sloping terrain at an approximate elevation of 600 feet above mean sea level. The sites vegetation consists of moderate oak woodland and annual grasses. Structures onsite include a single-family dwelling, garage, office, grooming and hay barns, medical barn, animal shelter tack room, classroom (Thiebaud Dream Room), a mock western town (Pony Town), as well as other accessory structures. The site also contains numerous pastures and a small picnic area.

Adjacent Land Uses:

	Zoning	General Plan	Land Use/Improvements
Site	RA-40	RR	Single-Family Residential/Accessory Structures
North	RA-40	RR	Single-Family Residential/Vacant Residential
South	RA-40	RR	Single-Family Residential/Vacant Residential
East	RE-10	RR	Single-Family Residential/Vacant Residential
West	W-SP/R&D RA-80	AP/R&D/RR	Vacant Residential/Vacant R&D

General Plan: The General Plan designates the subject site as Low Density Residential (LDR). *Policy 2.2.5.2* states that all applications for discretionary projects or permits shall be reviewed to determine consistency with the policies of the General Plan. Review of General Plan Policies and subsequent determination by Planning Services shows that the proposed project is consistent with the intent of General Plan Policies. Therefore, staff finds that the project, as conditioned, conforms to the General Plan.

Zoning: The proposed use is not specifically listed as a use permitted by special use permit in the RA-40 Zone District; however, the County has historically found that the use would be similar to normal ranch marketing activities, which would be permitted by special use permit pursuant to Section 17.30.090. In order to approve the use, the approving authority must find that the use is consistent with the General Plan and would not be detrimental to the public health, safety and welfare nor injurious to the neighborhood. Based on comments received from public agencies, citizens' groups, and impacted neighbors, as discussed below, staff finds that the project as conditioned would not be detrimental to the public health, safety and welfare nor injurious to the neighborhood.

Agency and Public Comments: The following agencies provided comments on this application:

Department of Transportation: The Department of Transportation provided conditions of approval relating to the applicant request to hold two fundraising events in order to provide safe access during high traffic events.

Environmental Management Department: Environmental Management has required the applicant to obtain a permit for the required septic system upgrades.

Latrobe Fire Protection District: The Latrobe Fire protection District provided conditions of approval to address fire flow and conditioned the project to provide a wildland fire safe plan.

At the time of the preparation of this report, staff had not received any comments from the public. New issues may arise as a result of the public notice of the hearing which will be discussed at that time.

ENVIRONMENTAL REVIEW

This project has been found to be Categorical Exempt from the requirements of CEQA pursuant to Section 15301 of the CEQA Guidelines stating that project that consist of the operation repair, maintenance, permitting, leasing licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. Pursuant to Resolution No. 240-93, a \$50.⁰⁰ processing fee is required by the County Recorder to file the Notice of Exemption.

RECOMMENDATION

1. Certify that the project is Categorical Exempt from CEQA pursuant to Section 15301 of the CEQA Guidelines; and
2. Approve the special use permit S08-0008 subject to the conditions in Attachment 1, based on the findings in Attachment 2.

SUPPORT INFORMATION

Attachments to Staff Report:

Attachment 1	Conditions of Approval
Attachment 2	Findings
Exhibit A	Vicinity Map
Exhibit B	General Plan Land Use Map
Exhibit C	Zoning Map
Exhibit D	Site Plan
Exhibit E	Pony Town Elevations

ATTACHMENT 1

CONDITIONS OF APPROVAL

File Number S08-0008/Grace Foundation
Planning Commission

Planning Services

1. This special use permit approval is based upon and limited to compliance with the approved project description, the Planning Commission exhibits marked D and E, dated August 17, 2008, and Conditions of Approval set forth below. Any deviations from the project description, exhibits, or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

The project description is as follows:

The Grace Foundation of Northern California requests a Special Use Permit to allow the continued use of a portion of Assessors Parcel Number 118-110-03 (40 acres of 387 acres) as a non-profit organization created to serve up to 200 abused and neglected horses and livestock, through care and adoption services, as well as provide instruction and therapy programs for children, including those with special needs.

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2. In the event of any legal action instituted by a third party challenging the validity of any provision of this approval, the developer and landowner agree to be responsible for the costs of defending such suit and shall hold County harmless from any legal fees or costs County may incur as a result of such action, as provided in *Section 66474.9(b)* of the *California Government Code*.

The applicant shall defend, indemnify, and hold harmless El Dorado County and its agents, officers, and employees from any claim, action, or processing against El Dorado County or its agents, officers, or employees to attack, set aside, void, or annul an approval of El Dorado

County concerning a variance, which action is brought within the time period provided for in *Section 66499.37* of the *California Government Code*.

County shall notify the applicant of any claim, action, or proceeding and County will cooperate fully in the defense.

Latrobe Fire Protection District

3. The applicant shall provide a "Fire Safe Plan" to the Latrobe Fire Protection District, prior to final of any building permit.
4. Applicant shall provide the following information to the Latrobe Fire Protection District using state and local building codes, prior to final of any building permit:
 1. Fire flow requirements for buildings and wildland
 2. Driveway and parking requirements
 3. Emergency preparedness plan
 4. Provide occupancy classification(s)
 5. Provide occupant loading requirements
 6. Fire apparatus access roads
 7. Provide a list of all stored items and locations
 8. Provide defensible space around all buildings
 9. On-site water supply for fire flow requirements
 10. Fire protection systems as required by building code

Department of Transportation

5. For the semi-annual fund raising events, the applicant shall submit a traffic control plan to DOT for review and approval. The plan shall include advance, direction and warning signing, devices, flaggers needed to control the intersection of Latrobe Road and Ryan Ranch Road. The plan shall be submitted at least one month prior to the scheduled event.

ATTACHMENT 2 FINDINGS

File Number S08-0008/Grace Foundation
Planning Commission Hearing

The special use permit may be approved or conditionally approved based on the following findings:

1.0 CEQA FINDING

- 1.1** Staff has determined that the proposed project will have no significant impact on the environment and is exempt from CEQA pursuant to Section 15301 of the CEQA Guidelines stating that project that consist of the operation repair, maintenance, permitting, leasing licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination.
- 1.2** The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Development Services Department, Planning Services, at 2850 Fairlane Court, Placerville, CA.

2.0 SPECIAL USE PERMIT FINDINGS

2.1 The issuance of the permit is consistent with the General Plan;

The proposed use, as conditioned, is consistent with the 2004 El Dorado County General Plan because the project has been reviewed through the discretionary process, as required by General Plan Policy 2.2.5.2.

2.2 The proposed use would not be detrimental to the public health, safety and welfare, or injurious to the neighborhood;

The proposed use would not create hazards that would be considered detrimental to the public health, safety, and welfare, or injurious to the neighborhood based on the data and conclusions contained in the staff report. Adequate precautions have been taken by the Department of Transportation to ensure a safe roadway during fundraising events.

2.3 The proposed use is specifically permitted by a special use permit pursuant to this Title.

Section 17.30.090 of the Zoning Ordinance requires a Special Use Permit for instruction given to groups in excess of four individuals at one time and shall be subject to approval of a special use permit by the Planning Commission pursuant to Section 17.22.500 et seq. The proposed use complies with the requirements of County Code Sections 17.14 and 17.30.060 through 17.30.100. While the overall scope of the project is not specifically listed as a use

permitted by Special Use Permit in the RA-40 Zone District, the County has historically found that the use is similar to other Ranch Marketing endeavors that include the general public, which in some cases would require a Special Use Permit pursuant to Section 17.30.090 of the Zoning Ordinance. In order to approve the use, the approving authority must find that the use is consistent with the General Plan and would not be detrimental to the public health, safety and welfare nor injurious to the neighborhood. Based on comments received from public agencies and staff analysis, staff finds that the project would not be detrimental to the public health, safety, and welfare and would not be injurious to the neighborhood.